

A bill for an act

relating to education; providing for harassment, bullying, intimidation, hazing, and violence policies; amending Minnesota Statutes 2008, sections 121A.03; 124D.10, subdivision 8; repealing Minnesota Statutes 2008, sections 121A.0695; 121A.69.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 121A.03, is amended to read:

121A.03 ~~MODEL POLICY~~ SCHOOL BOARD POLICY; PROHIBITING HARASSMENT, BULLYING, INTIMIDATION, HAZING, AND VIOLENCE.

Subdivision 1. **Model policy.** The commissioner shall maintain and make available to school boards a model ~~sexual, religious, and racial~~ harassment, bullying, intimidation, hazing, and violence policy. The model policy shall address the requirements of subdivision 2, and may encourage violence prevention and character development education programs, consistent with section 120B.232, subdivision 1, to prevent and reduce policy violations.

Subd. 2. ~~Sexual, religious, and racial harassment and violence policy~~
Harassment, bullying, intimidation, hazing, and violence policy. ~~A school board must adopt a written sexual, religious, and racial harassment and sexual, religious, and racial violence policy that conforms with chapter 363A.~~ (a) A school board must adopt a written policy that prohibits harassment, bullying, intimidation, hazing, and violence based on, but not limited to, actual or perceived race, color, creed, religion, national origin, sex, marital status, disability, socioeconomic status, sexual orientation, gender identity or expression, age, physical characteristics, and association with a person or group with one or more of these actual or perceived characteristics. The policy shall address harassment,

bullying, intimidation, hazing, and violence in all forms, including, but not limited to, electronic forms and forms requiring internet use. The policy shall apply to pupils, teachers, administrators, and other school personnel, include reporting procedures, and set forth disciplinary actions that will be taken for violation of the policy. Disciplinary actions must conform with collective bargaining agreements and sections 121A.41 to 121A.56. The policy must be conspicuously posted throughout each school building, posted on the district's Web site, given to each district employee and independent contractor at the time of entering into the person's employment contract, and included in each school's student handbook on school policies. The policy specific to hazing must apply to student behavior that occurs on or off school property and during and after school hours. Each school must develop a process for discussing the school's ~~sexual, religious, and racial~~ harassment, bullying, intimidation, hazing, and violence policy with students and school employees. School employees shall receive training on preventing and responding to harassment, bullying, intimidation, hazing, and violence.

(b) "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization.

(c) "Student organization" means a group, club, or organization having students as its primary members or participants.

Subd. 3. **Submission to commissioner.** Each school board must submit to the commissioner a copy of the ~~sexual, religious, and racial~~ harassment, bullying, intimidation, hazing, and ~~sexual, religious, and racial~~ violence policy the board has adopted.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to the 2010-2011 school year and later.

Sec. 2. Minnesota Statutes 2008, section 124D.10, subdivision 8, is amended to read:

Subd. 8. **State and local requirements.** (a) A charter school shall meet all applicable state and local health and safety requirements.

(b) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(e) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(f) A charter school may not charge tuition.

(g) A charter school is subject to and must comply with chapter 363A and ~~section~~ sections 121A.03 and 121A.04.

(h) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(i) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 123B.52, subdivision 5; 471.38; 471.391; 471.392; 471.425; 471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6, 12, 13, and 15; 471.881; and 471.89. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner. The Department of Education, state auditor, or legislative auditor may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(j) A charter school is a district for the purposes of tort liability under chapter 466.

(k) A charter school must comply with sections 13.32; 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

(l) A charter school is subject to the Pledge of Allegiance requirement under section 121A.11, subdivision 3.

Sec. 3. REPEALER.

Minnesota Statutes 2008, sections 121A.0695; and 121A.69, are repealed.